

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

ROMIC ENVIRONMENTAL  
TECHNOLOGIES CORPORATION  
2081 Bay Road  
East Palo Alto, California  
94303-1316

EPA ID: CAD 009 452 657

Respondent.

Docket HWCA 20061171

CONSENT ORDER TO CORRECT  
VIOLATIONS

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Further Orders. This Order is based only on the information currently available concerning the events described herein. The Department has not concluded its investigation and analysis of those events. As that investigation and analysis continues, the Department will issue any and all further orders appropriate for the protection of public health and the environment.

1.3. Enforcement and Penalties. The Department does not waive any right to take enforcement actions within its jurisdiction involving either Respondent or the Site, or to impose penalties for the violations described in this Order.

///

1.4. Site. Respondent generates, handles, treats, stores, and/or transfers hazardous waste at the following site: 2081 Bay Road, East Palo Alto, California (Site).

1.5. Authorization Status. The Department issued Romic a five year California Hazardous Waste Facility Permit ("HWFP") on or about May 21, 1986. Romic's HWFP was modified by the Department on or about July 23, 1990, and again modified on or about March 23, 2000. Romic's HWFP was further modified by the terms of Consent Orders issued August 1, 2000 and April 6, 2005. Romic's HWFP expired on May 21, 1991 and Romic timely filed its application for renewal. As required by regulation, the Department has allowed Romic to continue to operate under the terms and conditions of its expired modified HWFP while Romic undergoes the permit renewal process.

1.6. Jurisdiction. Health and Safety Code, section 25187, subdivision (a), authorizes the Department to order action necessary to correct violations when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.7 A dispute exists between the parties regarding the alleged violation.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66264.31, in that, on or about June 5, 2006, Respondent failed to operate the facility in a manner to minimize the possibility of a release of hazardous waste or hazardous

waste constituents to air, soil, or surface water which could threaten human health or the environment. Specifically, the following events occurred:

- a) Hazardous waste in a fuel blending tank was released on-site via the tank's pressure relief valve; and,
- b) Shortly thereafter, hazardous waste fuel contained in a parked tanker truck was released from the tanker's pressure relief valves. The tanker contained hazardous fuel blended waste that originated from the fuel blending tank that had the earlier release of hazardous waste. As a result of the release from the tanker truck, hazardous waste was released both on-site and off-site.

The events described in this paragraph are hereinafter referred to as the "*Incidents.*"

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall cease all fuel blending operations not expressly authorized in paragraph 3.1.2 below, until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein. This prohibition includes, without limitation, the blending of any hazardous waste that has been received from off-site, in either containers or tanker trucks, for the purpose of fuel blending.

3.1.2. Respondent may only fuel blend hazardous waste residues and still-bottoms generated from its on-site solvent recycling operations, ethylene glycol recycling, liquefaction operations, and waste water treatment. Respondent shall

conduct chemical compatibility testing prior to placement of any said residue or still-bottom into an authorized fuel blending tank. Respondent shall conduct chemical compatibility testing whenever these separate waste streams will be commingled to ensure that all waste streams are compatible.

3.1.3. Respondent is prohibited from adding bio-sludge generated from any process into any fuel blending vessel until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein.

3.1.4. Respondent is prohibited from accepting any waste stream containing hydroxylamine at any concentration until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein.

3.1.5. Within thirty days of the issuance of this Order, Respondent shall:

a. investigate the above described *Incidents* and determine the cause of each of the *Incidents*;

b. determine what measures are necessary to prevent re-occurrence of the *Incidents*; and,

c. prepare and submit to the Department a written report detailing the above determinations for each of the *Incidents*.

3.1.6. Within sixty days of the issuance of this Order, Respondent shall prepare and submit to the Department a comprehensive written report, including all supporting and associated documentation, describing in detail all material facts concerning the *Incidents*, including, without limitation:

- a. the events constituting and causing the *Incidents*;
- b. the chemical substances and volumes of each substance placed into the tank and tanker, based on analytical records, at the time of the *Incidents*;
- c. residual chemical substances (including the sources of the residues), manifests, analytical records and the amounts, remaining in the tank and tanker prior to the placement of wastes into each leading up to the incidents, including any transport vehicle used to transfer waste;
- d. the sources, manifests and volumes of all chemical substances placed into the tank and tanker prior to the incidents and remaining in the tank and tanker following the *Incidents*;
- e. any and all documents discussing the impacts of the *Incidents* on Respondent's volatile organic collection system;
- f. all handling and/or treatment of said chemical substances from the time of their arrival at Respondent's facility until the conclusion of *Incidents*;
- g. all emergency procedures implemented in response to the *Incidents*;
- h. all actions undertaken by Respondent to remediate the *Incidents*;
- i. any policies and procedures that failed in response to the *Incidents* and any changes made to said policies and procedures;
- j. any conditions or other requirements of Respondent's existing permit, or any modification thereof, that failed in response to the *Incidents* and any recommendations for changes to said conditions or requirements; and,

k. all measures undertaken or planned to prevent a re-occurrence of the  
*Incidents.*

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall  
be sent to:

Patricia Barni, Section Chief  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2737

3.3. Communications. All approvals and decisions of the Department made  
regarding such submittals and notifications shall be communicated to Respondent in  
writing by the appropriate Branch Chief, or his/her designee. No informal advice,  
guidance, suggestions, or comments shall relieve Respondent of its obligation to obtain  
required formal approvals.

3.4. Department Review and Approval. If the Department determines that any  
report, plan, schedule, or other document submitted for approval pursuant to this Order  
fails to comply with this Order or fails to protect public health or safety or the  
environment, the Department may:

- a. Modify the document and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date  
by which Respondent must submit to the Department a revised document incorporating  
the recommended changes.

///

3.5. Compliance with Applicable Laws. Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with this Order) is creating an imminent or substantial endangerment to the health or welfare of people on the Site, in the surrounding area, or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as is needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this paragraph shall be extended by the term of such Stop Work Order.

3.7. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of Respondent's operations, except as provided in this Order. Respondent may be required to take such further actions as are necessary to protect public health or welfare, or the environment.

3.8. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and

contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law.

3.9. Sampling, Data, and Document Availability.

3.9.1. Respondent shall permit the Department and/or its authorized representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring) generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.9.2. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.9.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

- (a) comply with that request,
- (b) deliver the documents to the Department, or

///



(c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.10. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports submitted by Respondent pursuant to this Order, and approved by the Department, are hereby incorporated into this Order.

3.12. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals. If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

///

///

#### 4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.4. Time Periods. "Days" for the purpose of this Order means calendar days.

4.5. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

///

///

///

///

///

## 5. EFFECTIVE DATE

5.1. The effective date of this Order is June 15, 2006.

Dated: June 15, 2006

Original signed by Steve Petridis  
ROMIC ENVIRONMENTAL TECHNOLOGIES  
CORPORATION  
Respondent

Dated: June 15, 2006

Original signed by Charlene Williams  
Charlene Williams, Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control